

Study: Teacher Copyright Confusion Causes Students to Lose Out

Teachers from grade school to college are being stymied in their efforts to teach critical thinking and media literacy, because ignorance about copyright laws and fear of legal action is keeping them from using ads, music, articles and videos to develop innovative teaching materials, a comprehensive new study finds.

"Media literacy is on the books at the state curriculum level in 49 states. It's mandated in these standards that children should develop critical thinking and communication skills," says Renee Hobbs, co-investigator of the study and professor of communication at Temple University.

"Yet, we estimate only 10 to 15 percent of children are getting exposure to those ideas," said Hobbs. "Why? All the elements are in place to bring media literacy skills to American students -- we have state standards, strong public support, and access to technology in the classroom. What's missing? There's too much teacher misinformation and fear."

"Teachers are afraid to share innovative practices with other educators and to post materials online or share students' work. And, in their own misunderstanding they're teaching the wrong lessons to their own students," she adds.

The Cost of Copyright Confusion for Media Literacy, a joint study conducted by Temple University and American University, draws upon long form interviews with 63 teachers and professors across the U.S. The research was supported by a grant from the John D. and Catherine T. MacArthur Foundation.

The report, which will be released on September 25th, reveals that teachers who use news media, digital media and popular culture in the classroom are typically put into educationally untenable situations. Teachers need to reproduce, show and demonstrate the popular culture they are analyzing, but this is often obstructed.

"We found a teacher who was afraid of showing actual commercials because he was afraid of violating copyright laws," says Pat Aufderheide, co-investigator and director of the center for Social Media in the School of Communication at American University. "The quality of teaching and learning is compromised by teachers' lack of knowledge of their rights under the law."

Other "horror stories" from the report include a professor who was told by Newsweek that she needed a whole series of permissions (including one from Osama Bin Laden!) to use cover images of the magazine in a curriculum entitled *Media Constructions of War*.

Instead of capitulating, she worked with college lawyers and realized that she could claim fair use, which does not require payment or permission.

Another teacher wanted to use You Tube as a teaching tool in the classroom but doesn't because she's not sure if it is legal; others warn their video production students not to post their classroom assignments to You Tube.

Other teachers have tried to get their curriculum materials published, but found publishers unreceptive because media literacy lesson plans use and quote from films, TV shows, advertising, popular culture, and online media. Widespread fears about copyright force media literacy educators into self-publishing, which limits distribution.

"The creative consequences of these constraints are both immediate and long-term," claims Peter Jaszi, co-investigator and professor at American University's Washington College of Law. "Teachers both limit their own analytical and creative efforts, and they also teach students-both affirmatively and by example-a culture of fear around copyright."

Fair use, the venerable copyright doctrine that permits reasonable quotation of copyrighted works without permission or payment, is far more available to teachers than is currently understood or practiced.

"When documentary filmmakers established what they thought was reasonable fair use, it made a big difference to documentary practice, without crimping the marketplace," said Pat Aufderheide. "That is the example that teachers can follow, now that the cost of their own copyright problems is clear."

The Cost of Copyright Confusion for Media Literacy will be released on Tuesday, September 25 at American University's Washington College of Law. In addition to Hobbs, Jaszi and Aufderheide, a stellar line-up of folks have been invited to comment on the report at the event, including Dale Allender of the National Council of Teachers of English, Karen Zill of the Alliance for a Media Literate America, and Kenneth Crews, Indiana University School of Law, a leading expert on copyright in education.